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August 18, 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

via Hand Delivery

William F. Caton, Acting Secretary
Office of the Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

**Re: Comments of Acadian Ambulance Service, Inc. in the Matter of
the Use of N11 Codes and Other Abbreviated Dialing Arrangements**

Dear Mr. Caton:

Transmitted herewith, on behalf of Acadian Ambulance Service, Inc. ("Acadian"), is an original and nine paper copies of its above-referenced Comments. Acadian wishes each Commissioner to have a personal copy of its Comments, and files an additional five copies.

If there are any questions concerning these Comments, kindly contact the undersigned.

Sincerely,

Frederick M. Joyce

FMJ/sjh
Enc.

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

AUG 18 1994

In the Matter of

The Use of N11 Codes and
Other Abbreviated Dialing
Arrangements

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

CC Docket No. 92-105
IAD File No. 94-101

To: The Commission

COMMENTS OF ACADIAN AMBULANCE SERVICE, INC.

Acadian Ambulance Service, Inc. ("Acadian"), by its attorneys and pursuant to Sections 1.415 and 1.419 of the Commission's Rules, 47 C.F.R. § 1.415 and § 1.419, respectfully submits these Comments in response to the Notice of Proposed Rule Making ("Notice") adopted by the Commission in the above-referenced proceeding,¹ and Public Notice DA 94-644 (released June 17, 1994).

I. Statement of Interest.

Acadian is a privately-owned ambulance service that began providing pre-hospital emergency medical care in one southern Louisiana Parish over 20 years ago. Since then, Acadian has grown from two ambulances and eight medics to a service with 140 ambulances, three helicopters, two fixed wing airplanes, and approximately 1,000 employees serving the needs of over 1.6 million people in 23 Louisiana Parishes. Acadian now serves an average of 700 patients per day, in an area of nearly 18,000 square miles of Southern Louisiana, which covers roughly two-fifths of the State of Louisiana.

¹ Notice of Proposed Rule Making, CC Docket No. 92-105, 7 FCC Rcd. 3004 (released May 6, 1992).

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Acadian is the recipient of numerous awards and commendations, including the 1991 U.S. Senate Innovation Award, which is given to companies at the leading edge of their industry. Acadian was granted that award primarily due to its innovative membership program (serving 148,000 subscribers), which allows rural areas to receive state-of-the-art pre-hospital emergency services equivalent to those available in metropolitan areas, and for its development of a radio communications system which has become the model for Emergency Medical Service providers throughout the nation. Furthermore, Acadian was named as the best ambulance service in the United States in the October 1993 issue of The Journal of Emergency Medical Services.

Acadian has played a leading role in the advances made in the emergency communications field. Acadian has developed and refined a lifesaving network that links together law enforcement agencies, ambulances, and hospitals throughout Southern Louisiana, to provide an effective, centralized computer assisted emergency communications center, which receives between 1,650 to 1,700 calls per day and over 600,000 calls annually.

Part of this emergency communications center features Acadian's unique "On-Call Alert" communications system, which is offered to any interested customers. The On-Call system consists of a communications box placed in a patient's or elderly person's home. A pendulum is worn around the patient's neck; a distress signal is sent when the patient presses the button on the pendulum, activating the communications box which in turn

activates Acadian's Computer Aided Dispatch ("CAD") system.

Acadian has spent a tremendous amount of money connecting the CAD system to its new 311 service code (effective August 1, 1994). With its 311 service code, which provides automatic number identification (ANI), Acadian can immediately access pertinent information when it receives an emergency call, such as directions to the caller's home, the patient's medication allergies, physician and hospital preferences, insurance data, etc. The 311 service code provides Acadian with a vast amount of additional lifesaving capabilities by enhancing the use of existing technologies.

Adoption of the proposed Rules would directly affect Acadian's long-term ability to provide its life-saving 311 service. Acadian is thus uniquely interested in the outcome of this proceeding, and its experience as a provider of medical communications services through an N11 service code renders Acadian well-qualified to comment upon the proposals contained in the Notice. Thus, Acadian has standing as a party in interest to file formal comments in this proceeding.

II. Summary of the Notice.

In its Notice, the Commission proposed Rule changes to require local exchange carriers ("LECs") to provide abbreviated dialing arrangements and to govern the use of certain N11 codes. Notice at ¶¶ 1 and 11. The 211, 311, 511 and 711 service codes were proposed by the Commission to be available for abbreviated dialing and 611 and 811 were proposed to be available at least

wherever an exchange carrier does not currently use those codes for the purposes permitted by Bellcore. Id. at ¶ 12.

Furthermore, the Commission tentatively concluded that these N11 codes should be available for abbreviated dialing unless and until it becomes necessary to use these codes as area codes.² Id. at ¶ 13. The Commission further proposed to not restrict LECs in the latter's allocation of these codes, and to allow LECs to select any reasonable allocation mechanism. Id. at ¶ 16. Finally, noting that customer familiarity with 411 and 911 seems to be widespread, the Commission tentatively concluded that the use of N11 codes for information services will not result in customer confusion. Id. at ¶ 18.

**III. The Public Interest and Commission Precedent
Warrant "Grandfathering" Existing N11 Service
Codes Used for Medical Communications**

Acadian supports the Commission's proposal to require LECs to provide abbreviated dialing arrangements, and agrees with the Commission that customer confusion will likely not result. Acadian does request that the Commission provide protection for medical communications systems that are already saving lives on existing N11 service code authorizations. Such protection would be afforded by including "grandfathering" preferences for those systems in the Commission's new N11 Rules. These preferences should include: (1) recognizing and maintaining existing medical

² The Commission stated that so long as these codes can be recalled on short notice, the North American Numbering Plan would not be harmed by their use for purposes other than area codes. The BellSouth petition suggested six months' notice. Notice at ¶ 13.

and emergency services' use of N11 codes as authorized by other governmental bodies (such as state public service commissions) when the Commission adopts its new Rules governing N11 service codes; and (2) requiring the recall of N11 codes that are not used for medical or emergency services in a local area for NANP area code use, before the recall of an N11 code that is being used by a medical or emergency service provider in that area. The second protection should also include a "recall notice" period of no less than one year for medical and emergency services using N11 service codes, because of the potential life-threatening confusion that may result from a change in emergency-oriented N11 service codes.

A. The public benefits from widespread offerings of faster access to medical and emergency services.

The public interest warrants the foregoing protections because of the invaluable life-saving services provided by emergency communications systems, such as Acadian's. There will also be reluctance by other emergency and health care providers to invest in using N11 service codes if there will be a risk that the N11 service code in question may be assigned to others, or recalled on short notice. Rule preferences for medical and emergency communications systems would likely result in the emergence of a greater number of such telecommunications systems, providing easier public access to ambulance and emergency medical services, as well as more rapid deployment of those services, free of charge to the public. Services such as those provided by Acadian in 23 Louisiana parishes might not be widely offered

unless the Commission adopts certain Rule preferences for those services.

A description of Acadian's 311 service illustrates the benefits of 311 service to the public. Acadian currently uses its 311 service code for non-emergency ambulance service, as well as to respond to requests to transport the elderly and the infirm to medical providers. Acadian's 311 service code acts as a supplement to 911 dialing in parishes that have an existing 911 medical service. Parishes lacking 911 medical service depend upon Acadian's 311 service code to provide primary emergency ambulance service to the public.

Acadian links its 311 service code to its CAD in Lafayette, LA. This is made possible via four statewide South Central Bell calling stations in Shreveport, Baton Rouge, Lafayette and New Orleans, which simultaneously relay calls to Lafayette. This service code links any caller across the state who dials 311 to Acadian's CAD, which dispatches the closest available ambulance to the caller. This provides the public with more rapid access to ambulance service. These public benefits, such as faster access to potentially lifesaving medical technologies, surely warrant recognition by the Commission and protection under its Rules.

B. Commission Precedent Warrants "Grandfathering."

The Commission should establish preference grants in favor of "incumbents," such as Acadian, that are already providing N11 services, to preserve the quality of those services. The

Commission's N11 Rules should not require Acadian or any medical or emergency service providers to change service codes, or otherwise suffer from interruptions or disruptions to their advanced communications services. That grandfathering is only fair to protect the investment that Acadian and similarly-situated N11 providers have already made for the operation of N11 service codes. Some form of grandfathering is essential to protect the interests of these incumbents and their customers.

There is ample precedent in the public interest for "grandfathering" certain rules and establishing preferences for certain qualified entities. For example, the Commission previously exempted control services and orderwires from priority assignment and preemption under the National Security Emergency Preparedness Telecommunications Service Priority System because the exemption best assured network integrity during emergencies. National Security Emergency Preparedness Telecommunications Service Priority System, 65 RR2d 784 (1988).

Similarly in this proceeding, the Commission should establish rules to grandfather and protect incumbent N11 users. The Commission clearly has the authority under the Communications Act to grant such preferences in setting new rules. For example, in its Computer Services proceeding, the Common Carrier Bureau allowed the Bell System telephone companies (in connection with inter-carriage arrangements between the Bell System and independent telephone companies) to continue to provide data processing services, despite issuing new rules generally

prohibiting common carriers from directly engaging in such activities. Computer Service Rules, 27 RR2d 979 (Com. Car. Bur., 1973).

Similarly, the Common Carrier Bureau exempted complementary network services from the Operations Support Systems' same access requirement, in the Bell Operating Companies Open Network Architecture Amendment Order. Open Network Architecture Plans of the Bell Operating Companies (Amended Plans), 72 RR2d 343 (Com. Car. Bur., 1993).

In accordance with these and other Commission precedents, Acadian and similarly situated emergency service communications providers should be granted "grandfathering" preferences, based on the foregoing public interest considerations, when the Commission adopts its N11 rules in this proceeding.

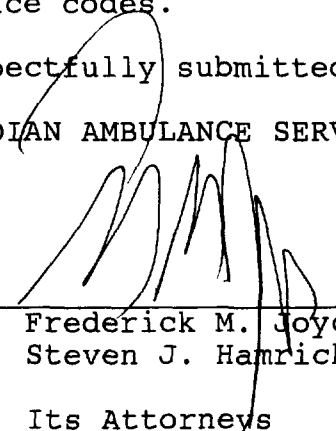
Conclusion

Acadian supports the Commission's efforts to require LECs to provide abbreviated dialing arrangements, and urges the Commission to adopt rules that will establish "grandfathering" preferences for medical and emergency service providers that are currently employing N11 service codes.

Respectfully submitted,

ACADIAN AMBULANCE SERVICE, INC.

By



Frederick M. Joyce
Steven J. Hamrick

Its Attorneys

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Suite 130
Washington, DC 20037
(202) 457-0100

August 18, 1994

CERTIFICATE OF SERVICE

I, Glenda Sumpter, a secretary in the law firm of Joyce & Jacobs, do hereby certify that on this 18th day of August, 1994, copies of the foregoing Comments of Acadian Ambulance Service, Inc. were mailed, postage prepaid, to the following:

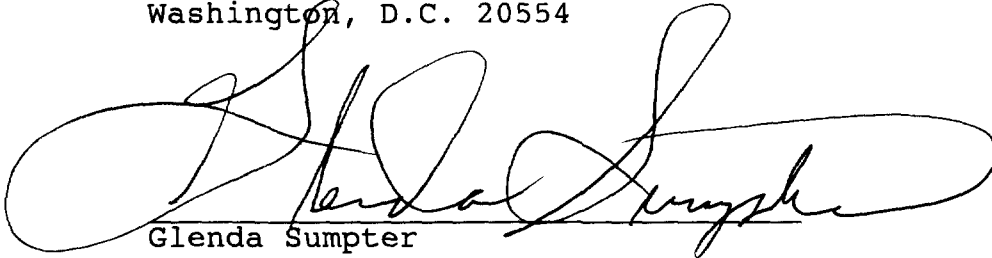
Chairman Reed Hundt*
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Washington, D.C. 20554

Commissioner James H. Quello*
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Washington, D.C. 20554

Commissioner Andrew C. Barrett*
Federal Communications Comm.
Washington, D.C. 20554

Commissioner Susan Ness*
Federal Communications Comm.
Washington, D.C. 20554

Commissioner Rachelle Chong*
Federal Communications Comm.
Washington, D.C. 20554

A large, stylized handwritten signature in black ink, which appears to read 'Glenda Sumpter', is written over the printed name. The signature is fluid and cursive, with a large loop at the end.

Glenda Sumpter

* denotes hand delivery